

2021 Regular Session

HOUSE BILL NO. 79

BY REPRESENTATIVE MCMAHEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MENTAL HEALTH: Provides relative to treatment facilities for mental health patients

1 AN ACT

2 To amend and reenact R.S. 28:2(39)(a)(introductory paragraph), relative to treatment
3 facilities for mental health patients; to provide a definition; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 28:2(39)(a)(introductory paragraph) is hereby amended and
7 reenacted to read as follows:

8 §2. Definitions

9 * * *

10 (39)(a) "Treatment facility" means any public or private hospital, retreat,
11 institution, mental health center, or facility licensed by the state in which any person
12 who has a mental illness or person who is suffering from a substance-related or
13 addictive disorder is received or detained as a patient or client. The term includes
14 Veterans Administration and public health hospitals and forensic facilities.
15 "Treatment facility" includes but is not limited to the following, and shall be selected
16 with consideration of first, medical suitability; second, least restriction of the
17 person's liberty; third, nearness to the patient's usual residence; ~~and~~ fourth, financial
18 or other status of the patient; and fifth, patient's expressed preference, except that
19 such considerations shall not apply to forensic facilities:

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 79 Engrossed

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McMahon

Abstract: Provides for the selection of a treatment facility by a patient and the protection of a patient's right to receive treatment.

Present law provides that a treatment facility shall be selected in the following order of priority:

- (1) Medical suitability.
- (2) Least restriction of the person's liberty.
- (3) Nearness to the patient's usual residence.
- (4) Financial or other status of the patient.

Proposed law retains present law and adds that in the selection of the treatment facility a patient's preference shall be the fifth consideration.

Present law provides that a patient may be admitted by an emergency certificate to be diagnosed and treated.

(Amends R.S. 28:2(39)(a)(intro. para.))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Restore present law relative to the transport of a patient to a treatment facility.
2. Make technical changes.